IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 16TH OCTOBER 2006 / 24TH ASWINA 1928

Bail Appl..No. 5952 of 2006()

CRMP.3967/2006 of DISTRICT COURT, KOLLAM
CRIME NO.573 OF 2006 OF KOLLAM EAST POLICE STATION.

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PETITIONER/ACCUSED

VIBIN, SO OF YUSUF, CHEMPAKASSERI VEEDU,
VADAKKEVILA VILLAGE, AYATHIL CHERRY, KOLLAM.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:

THE STATE OF KERALA REPRESENTED THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT
ERNAKULAM THROUGH THE SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 5952 of 2006

Dated this the 16th October, 2006.

O R D E R

Petitioner is before this Court under Section 438 Cr.P.C., apprehending arrest in Crime No.573/2006 of Kollam East Police Station, for the offence punishable under Sections 457 and 380 IPC, read with Section 34 IPC. It is alleged that the petitioner along with four others have committed house breaking and stolen the articles from the house of the de facto complainant. Accused 1 and 2 were arrested in connection with other cases, and, on interrogation, they have disclosed the committing of the theft from the house of the de facto complainant. Investigation was directed according to the disclosure statement, and recovery of certain materials were also effected. Thus, the 5th accused, the petitioner herein, is also arrayed.

2. The learned counsel appearing for the petitioner submits that even in the disclosure statement, it is not specifically stated that it was the petitioner who was with them. There was no identity of the petitioner also.

3. The learned Public Prosecutor, on the other hand, submitted that it was the petitioner who was with the other arrested accused, who committed theft of gold ornaments, a portion of which are yet to be recovered. Hence, the prosecution submits that the interrogation of the petitioner is necessary.

4. After hearing both sides, and considering the facts situation, I dispose of the application, directing the petitioner to surrender before the Investigating Officer of Kollam East Police Station, who is investigating the Crime No.573/2006 of that police station, on 20.10.2006, between 9.30 and 10 a.m.

5. The investigating officer shall interrogate the petitioner, and thereafter produce him before the court below, as per the law.

6. The learned Magistrate, on production of the accused, shall hear both sides, and pass appropriate orders on merit.

J.M. JAMES,
JUDGE

nj.